

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tetsuji Yamaoka et al. Art Unit : 1633
Serial No. : 10/578,283 Examiner : Ileana Popa
Filed : May 4, 2006
Title : CARRIER FOR NUCLEIC ACID MOLECULE DELIVERY

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ABANDONMENT

Applicant requests withdrawal of the Notice of Abandonment mailed February 25, 2009. The Notice states that the application was abandoned for failure to respond to the Office action (i.e., restriction requirement) dated June 23, 2008. The allegation that applicant failed to response to the action of June 23, 2008 is incorrect. Indeed, the Patent Office's owns records in PAIR show that a response to the restriction requirement was filed on July 22, 2008. Furthermore, the Examiner assigned to this application confirmed by phone on or about February 10, 2009, February 26, 2009, and again on March 31, 2009 that applicant's response had been received and was timely filed and that the application was still pending. Nevertheless, out of an abundance of caution, applicant submits this request for withdrawal of the Notice of Abandonment so that the record will be clear.

Enclosed with this Response are copies of the following items:

- (1) Response to Restriction Requirement dated July 22, 2008 (obtain from the PTO's PAIR system); and
- (2) Electronic Acknowledgement Receipt for item (1).

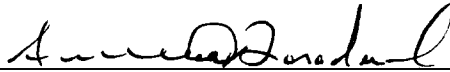
No fees are believe to be due. However, please apply any charges or credits to Deposit Account No. 06-1050.

Applicant : Tetsuji Yamaoka et al.
Serial No. : 10/578,283
Filed : May 4, 2006
Page : 2 of 2

Attorney's Docket No.: 18900-0004US1 / 200640/US

Respectfully submitted,

Date: 3/31/09



Samuel Borodach
Reg. No. 38,388

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (877) 769-7945

30477798.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Tetsuji Yamaoka et al.	Art Unit	: 1633
Serial No.	: 10/578,283	Examiner	: Ileana Popa
Filed	: May 4, 2006	Conf. No.	: 2757
Title	: CARRIER FOR NUCLEIC ACID MOLECULE DELIVERY		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Office Action dated June 23, 2008, Applicants elect the following species: (i) with respect to Species group A, Applicants elect Y species “-CONH-(CH₂)_n-” as specified by claim 2; (ii) with respect to Species group B, Applicants elect Z species “-NR₃R₄” as specified by claim 2; (iii) with respect to Species group C, Applicants elect X species “-OC(=O)-R_c-C(=O)Z¹-” as specified by claim 3; and (iv) with respect to Species group D, Applicants elect W species “-C(=O)O-” as specified by claim 6. Claims 1-11 read on the elected species. The election is made *without* traverse.

Applicant : Tetsuji Yamaoka et al.
Serial No. : 10/578,283
Filed : May 4, 2006
Page : 2 of 2

Attorney's Docket No.: 18900-004US1 / 200640/US

With respect to the statement on page 2 and 3 of the Office Action, Applicants understand that claim 1 is the generic claim for the claims listed in Species groups A-D.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 18990-004US1.

Respectfully submitted,

Date: July 22, 2008



Jack Brennan
Reg. No. 47,443

Fish & Richardson P.C.
Citigroup Center
52nd Floor
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 765-5070
Facsimile: (877) 769-7945
30431244.doc

Electronic Acknowledgement Receipt

EFS ID:	3658501
Application Number:	10578283
International Application Number:	
Confirmation Number:	2757
Title of Invention:	Carrier for nucleic acid molecule delivery
First Named Inventor/Applicant Name:	Tetsuji Yamaoka
Customer Number:	26211
Filer:	Jack Brennan/Devon Weide
Filer Authorized By:	Jack Brennan
Attorney Docket Number:	18900-004US1 200640/US
Receipt Date:	22-JUL-2008
Filing Date:	04-MAY-2006
Time Stamp:	16:45:15
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	responsetorestrict.pdf	47664 01b3ca891e8fcc5cb836e040d30274d8 14b4d436	no	2

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.